

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 23-00179-CJC (KESx)

Date: May 18, 2023

Title: KOJI SASAYA, *et al.* v. TETSUO SAITOU, *et al.*

PRESENT:

HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Rolls Royce Paschal
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

PROCEEDINGS: (IN CHAMBERS) ORDER DISMISSING ACTION WITHOUT PREJUDICE

Plaintiffs Koji Sasaya and Sachiko Sasaya filed this case on January 30, 2023. (Dkt. 1.) Federal Rule of Civil Procedure 4(m) provides that absent a showing of good cause, a court “*must* dismiss” an action if a defendant “is not served within 90 days after the complaint is filed.” (*Id.*) Although this case was filed more than 90 days ago, Plaintiffs have not filed a proof of service as to any defendant. Accordingly, on May 2, 2023, the Court ordered Plaintiffs to show cause in writing by May 9, 2023 why the case should not be dismissed for lack of prosecution. (Dkt. 6.) The Court cited Rule 4(m) and reminded Plaintiffs that it is their responsibility to prosecute this case diligently. (*Id.*) The Court also noted that “[f]ailure to respond to this Order may result in dismissal.” (*Id.* at 2.)

Plaintiffs have not responded to the Court’s order to show cause or taken any other action in the case. Accordingly, this action is hereby **DISMISSED WITHOUT PREJUDICE** for lack of prosecution and for failure to comply with the Court’s order.

cbt

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Initials of Deputy Clerk RRP